

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	2:18-cr-00015-LSC-GMB
)	
)	
)	
ADRIAN SOLANO-MENDOZA,)	
)	
Defendant.)	

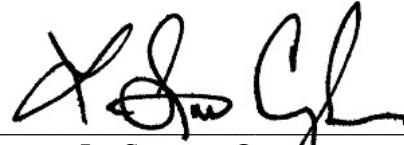
MEMORANDUM OF OPINION AND ORDER

The defendant has filed a motion to suppress. (Doc. 30.) The Government responded in opposition. (Doc. 46.) The magistrate judge held an evidentiary hearing on the motion and subsequently filed a report and recommendation, recommending that the motion be denied in part and granted in part. (Doc. 61.) The defendant filed objections to the report and recommendation. (Doc. 65.)

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the report is due to be and hereby is ADOPTED, the recommendation is ACCEPTED. Consequently, the motion to suppress (doc. 30)

is hereby DENIED IN PART¹ and GRANTED IN PART as stated in the report and recommendation.

DONE AND ORDERED ON JULY 20, 2018.

A handwritten signature in black ink, appearing to read 'L. Scott Coogler', written over a horizontal line.

L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

160704

¹ The Court specifically notes that it is in agreement with the magistrate judge's conclusion that the surveillance conducted on January 3, 2018, was not illegal because law enforcement did not encroach upon the defendant's home or curtilage but merely traveled upon a road that was outside of the defendant's curtilage. The Court also wishes to note, however, that insofar as the defendant argues that law enforcement trespassed by traveling upon the roads located on the entire tract of land because law enforcement passed through several open gates and "no trespassing signs," the defendant, a mere employee of the owner of the property, would not likely have standing to argue that an outsider violated his Fourth Amendment rights by traveling upon roads intersecting his employer's entire tract of land. Indeed, the owner of the property testified at the defendant's detention hearing that the property is used by public guests to quail hunt and engage in other sporting activities and that the roads running throughout the property are thus regularly traveled upon by guests. The defendant has no reasonable expectation of privacy over his employer's tract of land outside of his home and curtilage.